
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|---------------------------|---|-----------------------------|
| In the Matter of |) | |
| |) | File No.: EB-06-PA-074 |
| All American Plazas, Inc. |) | |
| |) | Citation No.: C200632400002 |
| Milton, PA 17847 |) | |

CITATION

Released: April 12, 2006

By the District Director, Philadelphia Office, Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),¹ to Brian Snook/All American Plazas, Inc. for violation of Section 302(b) of the Act and Section 2.803(a)(1) of the Commissions Rules.²

2. Investigation by the FCC's Philadelphia Office revealed that on February 23, 2006, Brian Snook/All American Plazas, Inc. offered for sale the following non-certified Citizen Band transceivers:

| <u>Name</u> | <u>Model</u> |
|-------------|--------------|
| Millennium | 2002 |
| Magnum | S-9 |
| Connex | 4800 DXL |
| President | General LEE |

According to the Commission's records, these devices have not received an FCC equipment authorization which is required for Citizen Band transmitters marketed in the United States.

3. Section 302(B) of the Act states "[no] person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules provides that "... no person shall sell or lease, or offer for sale or lease (including Advertising for sale or lease), or import ship or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless: (1) In case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled ..." Mr. Brian Snook (All American Plazas, Inc.) offer for sale violates both of these sections.

4. Additionally, dual use CB and amateur radios of the kind at issue here may not be certificated under the Commission's rules. Section 95.655(a) of the Rules states: "...([CB] Transmitters with frequency capability for the Amateur Radio Services Will not be

¹47 U.S.C. § 503(b)(5).

²[Citation to Rule Sections or Act].

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certificated.)” *See also* FCC 88-256, 1988 WL 488084 (August 17, 1988). This clarification was added to explicitly foreclose the possibility of certification of dual use CB and amateur radios, *see id.* And thereby deter use by CB operators of frequencies allocated for amateur radio use.

5. Furthermore, the Commission has revised Section 2.1204(a)(5) of its Rules⁵ to prohibit all marketing and/or offering for sale in the United States of such devices even when the purchasers(s) had provided assurances that the transceivers are being bought solely for export. ALL DOMESTIC MARKETING OF SUCH DEVICES VIOLATES THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND THE COMMISSIONS RULES.

6. Violations of the Act of the Commission’s Rules may subject the violator to substantial monetary forfeitures,⁶ seizure of the equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment⁷.

7. Brian Snook/All American Plazas, Inc. may request an interview at the closest FCC Office, which is Federal Communications Commission, One Oxford Office Plaza Suite 404, 2300 East Lincoln Highway, Langhorne, PA 19047⁸.³ You may contact this office by telephone, (215) 741-3016, to schedule this interview, which must take place within 14 days of this Citation. Brian Snook/All American Plazas, Inc. may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation[s] outlined above. Please reference file number EB-06-PA-074 when corresponding with the Commission.

8. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁴ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁵

9. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Brian Snook/All American Plazas, Inc. at [its/his/her] record of address.

FEDERAL COMMUNICATIONS COMMISSION

John Rahtes
District Director, Philadelphia Office
Northeast
Enforcement Bureau

³47 U.S.C. § 503(b)(5).

⁴*See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁵*See* 18 U.S.C. § 1001 *et seq.*